



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2004

Date of Meeting: February 23, 2004

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson Arizona, at 5:08 p.m. on Monday, February 23, 2004, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley Scott	Council Member Ward 4
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

Absent/Excused: Steve Leal, Council Member Ward 5

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Kathleen S. Detrick	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Ed Nelson, Bethel Baptist Church, after which the pledge of allegiance was led by Boy Scout Troops 157 and 726.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 75, dated February 23, 2004, would be received into and made a part of the record. He also announced that this was the time scheduled to allow members of the mayor and council to report on current events and asked if there were any reports.

- (a) Council Member West called attention to the fact that her office, located at 7575 E. Speedway was one of the few places in town where people could get tax forms. The IRS said on the web site that post offices had them, but that was not the case. If anyone needed tax forms, her office was open Monday through Friday 8:00 a.m. – 5:00 p.m. She also announced that her office has AARP tax preparers who are available Wednesdays and Fridays from 8:00 a.m. – 3:30 p.m. This was done on a first come, first serve basis.
- (b) Vice-Mayor Ronstadt announced that he was participating in a program that was headed up by children everywhere. It was the Alliance Children Everywhere and the web page was childreneverywhere.org. They were raising money for infants who had lost their parents due to AIDS in Africa. His office was collecting donations and he would be happy to accept it. People could also contribute on childreneverywhere.org.
- (c) Mayor Walkup sent a very sincere compliment to Barrio Hollywood and Council Member Ibarra. He said that the Avenue Grande Festival this weekend was sensational. It was a two day event that took a lot of work by a lot of people, and the City of Tucson was a better place because of the emergence of this really fine festival on the west side of town. He offered his compliments to everybody and urged people to put it on their calendars for next year and said that it was a very worthy festival for Tucson.
- (d) Mayor Walkup introduced Gary Hayes. Mr. Hayes was here as the new director of the Pima Association of Governments. Mayor Walkup turned the microphone over to Mr. Hayes.

Mr. Hayes thanked the mayor and told the members of the council that it was a pleasure to be there. He said that those he had the chance to meet knew that he was on a steep and fast learning curve and that he was observing as much about the community and the region as possible. He stated that they have some very exciting things in the future and that he looked forward to coming back with presentations and other points of interest for the council.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 76, dated February 23, 2004, would be received into and made a part of the record. He asked for the city manager's report.

- (a) James Keene, city manager, reported the 79th annual Fiesta De Los Vaqueros Rodeo Week activities kicked off this past Saturday with extreme bull riding and a honky tonk tailgate concert. The first round of rough stock competition was held on Sunday with events continuing through the finals to be held next Sunday, February 29, 2004. Gates would open at noon daily with the grand entry beginning at 1:00 p.m. The parade would take place Thursday, February 26, 2004, beginning at 9:00 a.m. from the corner of Park and Ajo. Sun Tran would provide shuttle service to the parade. It would leave both Park Place Mall and Tucson Mall between 7:00 a.m. and 9:00 a.m. and deliver passengers to the Tucson Rodeo grounds and also get people back to their boarding locations. The round trip fare was \$1; seniors sixty-five and older and people with disabilities pay \$.50; children under five were free.

Kathleen S. Detrick, city clerk, announced that the mayor and council would not be considering item 8 on the six o'clock agenda, the real property interim relocation of the Greyhound Station. She said that it was not necessary to consider that item based upon the action taken during the afternoon's study session.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 73, dated February 23, 2004, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) New License(s)

- | | |
|---|---|
| (1) FRANKIE Z'S STOPANI'S
RESTAURANT
5754 E. 22 nd Street
Applicant: Francis G. Zambo
City #005-04, located in Ward 4
Series 12
Action must be taken by: March 1, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
|---|---|

(c) Special Event(s)

- | | |
|---|--|
| (1) NORTH FOURTH AVENUE
MERCHANTS ASSOC.
4 th Ave. between 9 th St. & University
Applicant: Daniel G. Matlick
City #T006-04, located in Ward 6
Date of Event: March 19, 2004
March 20, 2004
March 21, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
|---|--|

It was moved by Council Member Scott, seconded by Council Member West, and carried by a voice vote of 6-0, that liquor license 5(b)1, Frankie Z's Stopani's Restaurant and 5(c)1, North Fourth Avenue Merchant's Association, be forwarded to the state department of liquor licenses and control with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH L

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items.

A. REAL PROPERTY: SALE OF EASEMENT RIGHTS TO THE UNIVERSITY OF ARIZONA FOR CHILLED AND RECLAIMED WATER FACILITIES

- (1) Report from City Manager FEB23-04-77 W6
- (2) Ordinance No. 9936 relating to real property; authorizing and approving the sale of an easement to the Arizona Board of Regents for chilled water and reclaimed water facilities within certain portions of Drachman Street, Warren Avenue, Helen Street, Cherry Avenue, and Speedway Boulevard rights-of-way; and declaring an emergency.

B. REAL PROPERTY: ACQUISITION OF EASEMENTS NEAR SHANNON ROAD AND IRONWOOD HILL DRIVE FOR FIRE PROTECTION PIPELINE

- (1) Report from City Manager FEB23-04-80 W1
- (2) Resolution No. 19777 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain easements in real property located near Shannon Road and Ironwood Hill Drive for a fire protection pipeline; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR AN EMERGENCY MANAGEMENT ASSISTANCE GRANT

- (1) Report from City Manager FEB23-04-87 CITY-WIDE
- (2) Resolution No. 19782 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for an Emergency Management Assistance Grant; and declaring an emergency.

D. WARD REDISTRICTING: CREATION OF THE 2004 REDISTRICTING ADVISORY COMMITTEE

Kathleen S. Detrick, city clerk, said that they did not have the names earlier. She announced the appointments so it would be part of the record. For the Mayor's Office, Ed Parker; Ward 1, Sammy Hamid; Ward 2, Larry Hecker; Ward 3, Carlos Nagel; Ward 4, Jim Watson; Ward 5, Dan Garcia; and Ward 6, Larry Lucero.

She said that this was reflected in Attachment A to the resolution.

- (1) Report from City Manager FEB23-04-85 CITY-WIDE

- (2) Resolution No. 19778 relating to the redistricting of wards; creating the 2004 Redistricting Advisory Committee, pursuant to Tucson Charter Chapter XVI, Section 8.1 and Tucson Code Section 12-9; and declaring an emergency.
- E. ASSURANCE AGREEMENT: (S02-033) TRES RIOS, LOTS 1 TO 50 AND COMMON AREAS “A”, “B”, “C”, AND “D”
 - (1) Report from City Manager FEB23-04-81 W1
 - (2) Resolution No. 19779 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-033 of a final plat for the Tres Rios Subdivision, Lots 1 to 50 and Common Areas “A” – “D”; and declaring an emergency.
- F. FINAL PLAT: (S02-033) TRES RIOS , LOTS 1 TO 50 AND COMMON AREAS “A”, “B”, “C”, AND “D”
 - (1) Report from City Manager FEB23-04-82 W1
 - (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. GRANT: ACCEPTANCE OF GRANT FUNDS FROM THE STATE HISTORIC PRESERVATION OFFICE FOR NOMINATION OF THE EL HOYO NEIGHBORHOOD TO THE NATIONAL REGISTER OF HISTORIC PLACES
 - (1) Report from City Manager FEB23-04-83 W6
 - (2) Resolution No. 19780 relating to the El Hoyo Neighborhood; authorizing and approving the acceptance of a grant from the Arizona State Historic Preservation Office for the El Hoyo National Register Nomination; and declaring an emergency.
- H. REAL PROPERTY: ACQUISITION OF WELL SITE FOR SILVERBELL WEST ISOLATED WATER SYSTEM
 - (1) Report from City Manager FEB23-04-84 OUTSIDE-CITY
 - (2) Resolution No. 19781 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located in northern Avra Valley near Silverbell and Luckett Road, for a well site for the Silverbell West isolated water system; and declaring an emergency.

- * I. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH DEPARTMENT FOR A HABITAT CONSERVATION PLAN GRANT
- (1) Report from City Manager FEB23-04-88 CITY-WIDE
 - (2) Resolution No. 19783 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Department for the Habitat Conservation Plan Grant; and declaring an emergency.
- J. FINANCE: CONTINGENCY FUND TRANSFER FOR THE SPORTS EXTRAVAGANZA'S SPORTS CLINIC
- (1) Report from City Manager FEB23-04-90 W3
 - (2) Resolution No. 19785 relating to finance; approving and authorizing the transfer of Two Hundred Dollars (\$200) from the Contingency Fund to Organization 001-183-1838-268, for the Sports Extravaganza's Sports Clinic at Flowing Wells High School; and declaring an emergency.
- K. FINANCE: CONTINGENCY FUND TRANSFER FOR THE TUCSON SENIOR SOFTBALL LEAGUE
- (1) Report from City Manager FEB23-04-91 W1
 - (2) Resolution No. 19786 relating to finance; approving and authorizing the transfer of Nine Hundred Dollars (\$900) from the Contingency Fund to Organization 001-183-1838-268, for the Tucson Senior Softball League; and declaring an emergency.
- ** L. REAL PROPERTY: SALE OF CITY PROPERTY LOCATED ON SILVERBELL ROAD ADJACENT TO SILVERBELL GOLF COURSE TO ESTES DEVELOPMENT CO. LLC.
- (1) Report from City Manager FEB23-04-79 W1
 - (2) Ordinance No. 9937 relating to real property; rescinding Ordinance No. 9815 of the Mayor and Council of the City of Tucson; vacating and declaring certain City-owned real property in the vicinity of Silverbell Road and the Silverbell Golf Course to be surplus; authorizing the sale thereof to Estes Development Co. LLC.; and declaring an emergency.

James Keene, city manager, corrected the action. He said that staff was in a position to answer the question related to item I, the Habitat Conservation Plan Grant, and so would not hold it over to the next meeting unless staff was unable to answer the questions tonight.

* See page 7

** This item was continued until March 1, 2004 at the request of Council Member Scott

Kathleen S. Detrick, city clerk, clarified that item I would be considered separately and that the motion would be items A through K, with item L being continued to next week and item I considered separately.

It was moved by Vice-Mayor Ronstadt, seconded by Council Member Ibarra, that consent agenda items A through L, with the exception of items I and L, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar and Scott; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: Council Member Leal

Consent agenda items A through L, with the exception of items I and L, were declared passed and adopted by a roll call vote of 6-0.

6. CONSENT AGENDA – ITEM I

INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH DEPARTMENT FOR A HABITAT CONSERVATION PLAN GRANT

- (1) Report from City Manager FEB23-04-88 CITY-WIDE
- (2) Resolution No. 19783 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Department for the Habitat Conservation Plan Grant; and declaring an emergency.

Mayor Walkup called on Council Member Scott.

Council Member Scott thanked Mayor Walkup. She said that at the study session she asked if it would be possible to have Houghton Road in the IGA with the Arizona Game and Fish Department, because it was also part of the conservation plan. There were a couple of studies ongoing and it would be nice to dovetail the same information. It wasn't mentioned here; it said Avra Valley, the Southlands and Santa Cruz River. She wondered if Houghton Road would be part of that.

Andrew Singelakis, deputy director of urban planning and design, said his understanding was that it was a study done for the Houghton Road area specifically that looked at that and determined that it wasn't as big an issue in that location. Upon talking to staff, that type of analysis could be done in house because it would probably be very minor.

Council Member Scott said the part of the Houghton Road piece she was thinking about was way south and was included in one of the studies. She believed that there was some habitat down there, and asked if it could be done in house.

Mr. Singelakis said yes, that was the direction he received back.

James Keene, city manager, said his understanding was that the area of Houghton Road south of the interstate in the southlands would be included in this study, but the area north was as Mr. Singelakis was speaking. It was not included; a lot of it was tied up at the time when they did this, when they were thinking there might be a lot of state land releases anyway. He hoped that was satisfactory. If it were not, he would still request the council act and let staff proceed on this. If there was an opportunity, if staff thought it was worthwhile, on amending the agreement in any way to look at the rest of it. He would bring that back to the council separately.

Council Member Scott said she appreciated that and wanted this clarified, due to the interest in the area in annexation. There was also interest in a new high school going in there. If there was anything they could do to facilitate all of those kinds of things by having this part of this agreement, she would appreciate it, even if they had to bring it back.

It was moved by Council Member Scott, seconded by Council Member West, that consent agenda item I be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, and Scott; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: Council Member Leal

Consent agenda item I was declared passed and adopted by a roll call vote of 6-0.

RECESS: 5:25 p.m.

Mayor Walkup announced that the council would stand in recess until 6:00 p.m., at which time the council would reconvene with the last half of the session.

RECONVENE: 6:00 p.m.

Mayor Walkup called the meeting to order, and upon roll call those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley Scott	Council Member Ward 4
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
------------	-----------------------

7. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney, representing himself, addressed the mayor and council regarding his ideas for Rio Nuevo and the Science Center to be located in the downtown area. He hoped the council had read the second paper he submitted. He thanked the council.
- b. Bill Katzel, representing himself, addressed the mayor and council outlining his history of citizen advocacy. He gave his Monday, February 23, 2004 testimony before the mayor and council.
- c. John Coinman, as the representative of the Iron Horse Neighborhood Association Association to the Barazza-Aviation Parkway citizen's action committee, said they had been working on the Fourth Avenue underpass kind of relentlessly. He urged the mayor and council to locate the Greyhound Bus Terminal at 6th and Toole.
- d. Paul Ramsey, representing Barrio Viejo Neighborhood Association and Barrio Santa Rosa Neighborhood Association, addressed the mayor and council regarding the Greyhound relocations.
- e. Howard Greenseth, representing himself, urged the mayor and council to locate the Greyhound Bus Terminal at 6th and Toole. Mr. Greenseth wanted to say he was looking forward to the day when he attended the grand opening of the Bus Depot at 6th and Toole. He thanked the mayor and council.
- f. W. Eugene Caywood, representing the Citizen Transportation Advisory Committee and Barraza Aviation Parkway Citizen Advisory Committee, echoed John Coinman's statement that it simply did not make sense to consider another site other than the Toole and Sixth Avenue site for the Greyhound Bus Depot. Both of the groups he represented since the whole issue came up five, six seven months ago voted strongly to re-endorse their previous position, which was that the Greyhound Depot ought to go at Sixth and Toole.

- g. Jamie Schremmer, representing herself, urged the mayor and council to reconsider the relocation of the Greyhound Bus Terminal.
- h. Kahlil Rinaldi, representing the Iron Horse Neighborhood Association, said that the Iron Horse Neighborhood was strongly against the move of the Greyhound Station north of the tracks. The neighborhood gave the council members a letter that said they would appreciate any kind of communication the council could give them in the future.
- i. Josh Conzemius, representing Iron Horse Neighborhood, said having something come into the neighborhood, already dealing with Tucson High and a lot of issues in the neighborhood and to have something like this show up in the neighborhood was pretty troubling. It's not going to have a positive effect on Fourth Avenue or on any of the surrounding neighborhoods. They would like their say in the decision. He thanked the mayor and council.

Mayor Walkup asked if anyone else wished to speak. There was no one.

**8. REAL PROPERTY: INTERIM RELOCATION OF GREYHOUND STATION
(CONTINUED FROM THE MEETING OF JANUARY 26, 2004)**

Kathleen S. Detrick, city clerk, said that as announced earlier item 8, interim relocation of Greyhound Station, would not be considered at the meeting.

**9. PUBLIC IMPROVEMENTS: PANTANO WASH NORTH OF BROADWAY
BOULEVARD RIVERBANK IMPROVEMENT DISTRICT – AWARD OF CONTRACT**

Mayor Walkup announced that city manager's communication number 78, dated February 23, 2004, would be received into and made a part of the record. He asked the city clerk to read the bids received and announce the recommendation by the superintendent of streets.

Kathleen S. Detrick, city clerk, announced the following bids.

NAC Construction	\$359,950.00
Falcone Brothers	361,707.00
Dar-hil Corporation	373,932.10
M. Anderson Construction	12,360.50
Miura Contracting	428,861.00

Ms. Detrick announced that the transportation engineering administrator recommended the award of the contract to NAC Construction in the amount of \$359,950.

Mayor Walkup called Council Member West.

Council Member West said that before she moved the recommendation she would like to urge staff to work with the Center Park Neighbors on this project. They were unwilling participants, but it was in their CCRs that they would participate in their development agreement.

It was moved by Council Member West, seconded by Vice Mayor Ronstadt, and carried by a voice vote of 6-0, (Council Member Leal absent/excused), to award the construction contract to NAC Construction.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 74, dated February 23, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Dunbar, seconded by Council Member West, and carried by a voice vote of 6-0, to appoint Jan Blaser-Upchurch to the Pima County/City of Tucson Commission on Addiction, Prevention and Treatment.

Council Member Scott announced her personal appointments of Richard Krone to the Small Business Commission and Jim Watson to the Redistricting Advisory Committee.

Council Member Dunbar announced her personal appointments of Britton Dornquist to the Citizen Sign Code Committee and Carlos Nagel to the Redistricting Advisory Committee.

Council Member West announced her personal appointments of Frank Wilczek to the City Attorney Selection Committee, J. Chauncey Meyer to the Tucson-Pima County Historical Commission and Larry Hecker to the Redistricting Advisory Committee.

11. ADJOURNMENT 6:30 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held Monday March 1, 2004 at 5:00 p.m., in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 23rd day of February, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:PG:DD:NB:tm
Pr agnst tp:bp